

Docket No: 56326 (71994)
Express Mail Label Number: EL 933041529 US

THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD



02-07-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

Exiqon A/S,)
Potential Opposer,)
)
v.)
)
Proligo LLC,)
Applicant.)
)

Serial No.: 76/298,889
Mark: LNA

Attn: BOX TTAB -- NO FEE

Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

THIRD REQUEST FOR AN EXTENSION OF TIME TO
FILE A NOTICE OF OPPOSITION

Dear Sir:

On December 19, 2000, Applicant filed Trademark Application Serial No. 78/039,796 for the mark LNA, for registration on the Principal Register. The Application was published for opposition in the Trademark Official Gazette on September 11, 2001.

A First Request for an Extension of Time to File a Notice of Opposition was filed on October 11, 2001, thereby extending the time for response from October 11, 2001, to December 11, 2001.

A Second Request for an Extension of Time to File a Notice of Opposition was filed on December 11, 2001, thereby extending the time for response from December 11, 2001 to February 11, 2001.

Now comes the Potential Opposer, Exiqon A/S, and requests, in accordance with Section 2.102 of the Rules of Practice in Trademark Cases and Section 13 of the

Mark: LNA
Serial No. 76/298,889
Third Request for Extension of Time to File
Notice of Opposition
Docket 56326 (71994)
Express Mail Label:

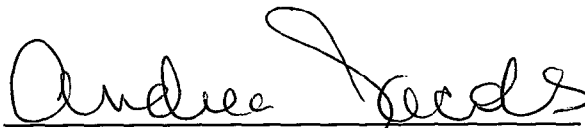
Trademark Act (15 U.S.C. § 1063), a Third sixty (60) day extension of time within which it may file a Notice of Opposition to the aforementioned application, or until April 11, 2002.

The extension will give Potential Opposer a reasonable amount of time within which to continue review of Applicant's file and to continue communications with Applicant's counsel in order to assemble all pertinent facts and finalize an agreement with Applicant as to the cited Trademark. This request is made in good faith and not for the purpose of unnecessary delay. It is respectfully requested that the extension be granted.

Pursuant to Section 2.102(c) of the Rules of Practice in Trademark Cases, Applicant has consent verbally and in writing to Potential Opposer's request to file a Third Request for and Extension of Time to File a Notice of Opposition. A copy of Applicant's written acknowledgement and consent is attached hereto as Exhibit A.

Pursuant to Section 2.102(d) of the Rules of Practice in Trademark Cases, Potential Opposer submits this Third Request to the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board in triplicate.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Andrea Jacobs", written over a horizontal line.

Andrea A. Jacobs, Esquire
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group of
Edwards & Angell, LLP
PO BOX 9169
Boston, MA 02210
1-617-439-4444
February 7, 2002

TTAB

Docket No. 56326 (71994)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Exiqon A/S
Serial No.: 76/298,889
Filed: August 14, 2001
For: LNA



02-07-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this document (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express Mail No: EL 933041529 US in an envelope addressed to Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on February 7, 2002.

By: David Sears
David Sears

Sir:

TRANSMITTAL LETTER

Transmitted herewith for filing are the following documents and enclosures referred to therein:

- X Third Request for an Extension of Time to File a Notice of Opposition
- X Acknowledgment and Consent Agreement from Prologo, LLC

If the enclosed papers are considered incomplete, the Application Branch is respectfully requested to contact the undersigned at (617) 439-4444, Boston, Massachusetts.

Applicant believes that no fee is due. However, if the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 04-1105. A duplicate of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Andrea", written over a horizontal line.

Dated: February 7, 2002

Andrea A. Jacobs, Esquire
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group of
Edwards & Angell, LLP
PO BOX 9169
Boston, Massachusetts 02210
1-617-439-4444

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Andrea A. Jacobs
Direct Dial: (617) 951-2265
E-Mail: ajacobs@ealaw.com

February 7, 2002

Dr. Wolfgang Picken, Ph.D.,
President and Chief Executive Officer
Proligo LLC
2995 Wilderness Place
Boulder, CO 80301

RE: Proligo, LLC U.S. Trademark Application for LNA, Serial No. 78/039,796 and
Exiqon A/S Trademark Application for LNA, Serial No. 76/298,889

Dear Wolfgang:

I am writing to you on behalf of my client, Exiqon A/S. As you know, the discussions are still in process between Proligo, LLC and Exiqon A/S concerning the above-referenced trademarks. Under the circumstances, I hereby request that Proligo acknowledge the efforts being taken by Exiqon A/S and Proligo, LLC to reach an agreement concerning said trademarks, and, accordingly, consent to Exiqon's request to the U.S. Patent and Trademark, Trademark Trial and Appeal Board, to extend the period for which an Opposition must be filed with the U.S. Patent and Trademark Office for an additional sixty (60) days.

Please evidence Proligo's consent to the foregoing by signing the acknowledgment and consent attached hereto and returning it to me today by facsimile at 1-617-439-4170, a confirmation copy via overnight mail is greatly appreciated.

Thank you for your cooperation and assistance.

Very truly yours,



Andrea A. Jacobs

BOS-340292v1
Enclosure

Wolfgang Picken, Ph.D., CEO
Proligo, LLC
February 7, 2002
Page 2 of 2

ACKNOWLEDGEMENT AND CONSENT:

1. Proligo, LLC ("Applicant"), applicant of U.S. Trademark Application Serial No. 78/039,796, filed on December 19, 2000, for the mark LNA (stylized), for registration on the Principal Register, hereby acknowledges that Exiqon A/S ("Potential Opposer") filed on August 14, 2001 an application for registration on the Principal Register for the trademark LNA, Serial No. 76/298,889.
2. Applicant hereby further acknowledges that Potential Opposer filed a First Request for Extension of Time to File a Notice of Opposition on October 11, 2001, pursuant to which Potential Opposer received a 60 day extension; and Potential Opposer filed a Second Request for Extension of Time to File a Notice of Opposition on December 11, 2001, pursuant to which Potential Opposer received an additional 60 day extension.
3. Applicant hereby further acknowledges that Applicant and Potential Opposer are engaged in active discussions concerning the trademark "LNA" as covered by both Applicant's pending application and Potential Opposer's pending application.
4. In light of the continuing discussions between Applicant and Potential Opposer concerning the mark LNA, Applicant hereby acknowledges and consents to Potential Opposer filing with the U.S. Patent and Trademark Office, prior to the expiration of the current sixty (60) day extension term, a Third Request for Extension of Time to File a Notice of Opposition, thereby requesting for an additional sixty (60) day extension to file a Notice of Opposition.
5. A copy of this Acknowledgement and Consent may be filed with the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board in connection with the filing of the Third Request for Extension of Time to File a Notice of Opposition.

PROLIGO, LLC

By: _____

Wolfgang Picken, CEO
President and Chief Executive Officer

Date: February 7, 2002